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05/12/07

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**W.P. NO. 11/2000**

**PETITIONERS**

1. Masjit Committee, MIG-1/767m, Aamdinagar(Hudco) through its General Secretary, Ramzan Hussain S/o. Late I.Hussain, Occupation Retired Govt. Servant, r/o. LIG 204, Aamdinagar (Hudco) Durg Tahsil & Distt. Durg

2. Abdul Hamid Khan, S/o. I Khan, aged 70 years, Occupation Retired Govt. Servant, Aamdinagar (Hudco) Durg Tahsil and Distt. Durg

3. Ramzan Hussain, S/o. Late I.Hussain, Occupation Retired Govt. Servant, R/o. LIG 204, Aamdinagar (Hudco) Durg Tahsil and Distt. Durg

Vs.

**RESPONDENTS**

1. State of Chhattisgarh, through Secrtary, Department of Commerce and Industries, Raipur

2. Registrar, Firms and Societies, Raipur

3. Assistant Registrar, Firms and Societies, 2/276, Byron Bazar, Raipur

**WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA**

**(SB:** Hon'ble Mr. **Satish K. Agnihotri, J.)**

Shri Rajeev Shrivastava, counsel for the petitioners.

Shri Vinay Harit, Deputy Advocate General for the State.

**ORAL ORDER**

**(Passed on this 4TH day of December 2007)**

1. Learned counsel appearing for the petitioner submits that there is a statutory provision of appeal as prescrived under Section 40 of Chhattisgarh Society Registrikaran Adhiniyam, 1973. The

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petitioner had approached this Court without exhausting remedy of statutory appeal.

2. Learned counsel appearing for the respondent has no objection.

3. Be that as it may, the petitioner is permitted to avail the statutory appeal as prescribed under Section 40 of the C.G. Registrikaran Adhiniyam, 1973 within a period of two weeks. In the event, the application is filed within a period of two weeks the Appellate Authority shall take up the matter as expeditiously as possible.

4. In the meantime, interim relief granted earlier on 24.11.2007 shall continue till the decision of his application for interim relief. The time spent herein in this Court from 8.11.2000 till 4.12.2007 may not be considered as delay for considering the application of the petitioner for condonation of delay.

5. In the foregoing, the petition accordingly stands disposed of.

6. Consequently, M.W.P. No. 1167/2004 stands disposed of.

Sd/-
Satish K. Agnihotri
Judge

Suguna